

1 Josh Sanford (Ark. Bar No. 2001037)
Sanford Law Firm, PLLC
2 Kirkpatrick Plaza
10800 Financial Centre Pkwy, Suite 510
3 Little Rock, Arkansas 72211
(501) 221-0088
4 josh@sanfordlawfirm.com

5 Attorney for Plaintiffs

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8 PRESCOTT DIVISION

8 Tony Manzo, *et al.*

No. 3:22-cv-8081-PCT-JJT

9 Plaintiffs,

10 v.

**DECLARATION OF WAYNE
JOHNSON**

11 Engrained Cabinetry and Countertops,
12 LLC, Inspired Closets of Arizona, LLC,
and Thomas Corkery,

13 Defendants.

14 I, Wayne Johnson, do hereby swear, affirm and attest as follows, based upon
15 my personal knowledge of the matters contained herein:

16 1. My name is Wayne Johnson; I am over the age of 18 and duly qualified
17 to execute this declaration.

18 2. I worked for Defendants Engrained Cabinetry and Countertops, LLC,
19 and Thomas Corkery as a cabinetry designer and salesperson from approximately 2013
20 until sometime in 2017, and then I came back to work for them in 2018 and ended that
21 employment in 2019.
22

1 3. As a cabinetry designer and salesperson, I designed and sold kitchen and
2 office storage solutions for Defendants' customers according to the customer and
3 Defendants' needs and specifications.

4 4. Specifically, I used a computer program to design custom storage
5 solutions for Defendants' customers.

6 5. During the first few months of my employment, I received a draw from
7 Defendants that I was required to pay back out of my commissions once I started
8 making sales. After the first few months, my sole source of income was commissions
9 on sales.

10 6. My design work for customers took more than 40 hours per week. To
11 run a design from start to finish, I had to physically take measurements of the space I
12 was designing for, interview the customer about their needs and budget, run price
13 points on all materials required, create the physical design, and create a quote for the
14 customer.

15 7. If the customer moved forward, I also supervised the installation process
16 and ensured everything was to customer satisfaction.

17 8. The amount of time this took obviously varied based on the size of the
18 job; some could take as little as 20 hours and some could take several weeks. I ran
19 about 40 jobs at a time.

20 9. Because my income was commission-based, the more sales I made the
21 more income I earned. I regularly worked after business hours in order to finish up
22

1 quotes and designs so that I could move projects forward. Defendants didn't ask me
2 not to work after-hours, nor did they require me to track my time.

3 10. I probably worked at least 50 hours per week solely on making designs
4 and quotes.

5 11. Defendants also scheduled cabinetry designers and salespeople to work
6 regular shifts in the showroom. I worked five 8-hour shifts per week in the showroom.
7 A lot of my regular work hours were taken up with assisting customers in the
8 showroom, which is why I worked on designs and quotes after hours. Added together,
9 I worked approximately 50 to 60 hours per week.

10 12. I hardly ever received my full commission. Other than paying back the
11 draw, Defendants deducted portions of my commission for any error I made in the
12 design such as a mismeasurement or an incorrect material.

13 **PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF**
14 **PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA**
THAT THE FOREGOING IS TRUE AND CORRECT.

15 Executed on this 25th day of October, 2023.

16 

17 **WAYNE JOHNSON**